

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

JOHN C. KIRIAKOU,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 1:20-cv-662
)	
)	
JOHN BAMFORD, et al.,)	
)	
Defendants.)	

ORDER

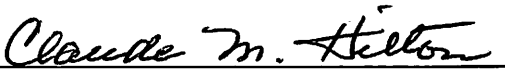
THIS MATTER comes before the Court on Defendants' Motions to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).

This is the second time Plaintiff John C. Kiriakou has filed a complaint before this Court against these Defendants arising from the same causes of action. The Court dismissed Plaintiff's first complaint on August 31, 2020, because Plaintiff lacked standing due to his pending Chapter 7 Bankruptcy case.

Plaintiff filed for Chapter 7 Bankruptcy on March 27, 2020. *In re Kiriakou*, Ch. 7 Case No. 20-10934-KHK, Adv. No. 20-01037 (Bankr. E.D. Va.). The causes of action alleged in Plaintiff's current complaint arose from events that took place prior to March 27, 2020. Since Plaintiff's causes of action occurred prior to filing for bankruptcy, the causes of action belong to the bankruptcy estate. *Wilson v. Dollar Gen. Corp.*, 717 F.3d 337, 342-

43 (4th Cir. 2013). "If a cause of action is part of the estate of the bankrupt then the trustee alone has standing to bring that claim." *Nat'l Am. Ins. Co. v. Ruppert Landscaping Co.*, 187 F.3d 439, 441 (4th Cir. 1999). Therefore, Plaintiff, once again, lacks standing to bring the claims asserted in the complaint. It is hereby

ORDERED that Defendants' Motions to Dismiss are GRANTED and that this case is hereby DISMISSED.



CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE

Alexandria, Virginia
May 24, 2022